



U.S. Department of Justice

United States Attorney
Southern District of New York

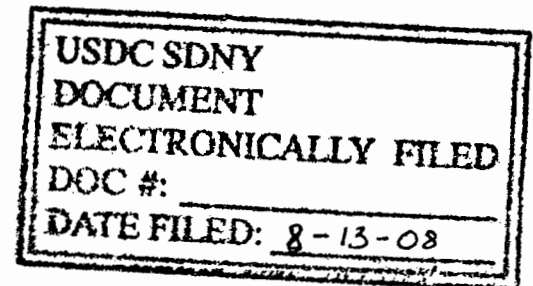
MEMORANDUM ENDORSED

86 Chambers Street
New York, New York 10007

August 8, 2008

BY FAX

Honorable Gabriel W. Gorenstein
United States Magistrate Judge
United States Courthouse
500 Pearl Street, Room 510
New York, New York 10007-1312



Re: Gail Andino o/b/o J.M. v. Astrue
08 CV 2186 (BSJ) (GWG)

Dear Judge Gorenstein:

This Office represents the Commissioner of Social Security, defendant in this action. I write respectfully to advise the Court of recent events and to request an extension of the briefing schedule.

Pursuant to the Court's Order of July 18, 2008, defendant shall serve and file a motion for judgment on the pleadings on or before Monday, August 11, 2008; plaintiff shall serve and file any opposition on or before September 10, 2008; and defendant shall serve and file a reply on or before September 24, 2008. In preparing defendant's motion in this case, I encountered an issue that required me to contact the Agency. As a result, the Commissioner is reconsidering his position in this case. Accordingly, I respectfully request a thirty-day extension of the briefing schedule. Subject to the Court's approval, the new schedule would be as follows: defendant shall file and serve his motion on or before September 10, 2008; plaintiff shall file and serve any opposition on or before October 10, 2008; and defendant shall file and serve any reply on or before October 24, 2008.

Granted. No further extensions granted
for final motion.
SO ORDERED: DATE: 8/8/2008
GABRIEL W. GORENSTEIN
UNITED STATES MAGISTRATE JUDGE

Plaintiff has not consented to this extension request, stating that she had already consented to one request for an extension. The Court granted one previous request from the government to extend defendant's time to file an answer. The reason for that request was that this Office had not yet received the administrative record.

Thank you for your consideration of this matter.

Respectfully,

MICHAEL J. GARCIA
United States Attorney

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cc: Gail Andino, Pro Se